

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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FALLS LAKE NATIONAL INSURANCE COMPANY,

Plaintiff,

Case No.:

22-CV-1473 (KAM) (PK)

-against-

**ANSWER**

KALNITECH CONSTRUCTION CORP.,  
DAVS PARTNERS LLC and STALIN RODRIGO  
REYES ESPINOZA,

Defendants.

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Defendant DAVS PARTNERS LLC, by and through its attorneys,  
Richman & Levine, P.C., answering Plaintiff FALLS LAKE NATIONAL  
INSURANCE COMPANY'S Complaint, respectfully alleges as follows:

**THE PARTIES**

1. Defendant denies upon lack of information or knowledge  
sufficient to form a belief as to each and every allegation  
contained in paragraphs "1" and "2" of the Complaint.

2. Defendant admits each and every allegation contained in  
paragraph "3" of the Complaint.

3. Defendant denies upon lack of information or knowledge  
sufficient to form a belief as to each and every allegation  
contained in paragraph "4" of the Complaint.

**JURISDICTION AND VENUE**

3. Defendant denies each and every allegation contained in  
paragraph "5", "6", "7", "8", and "9" of the Complaint.

**THE UNDERLYING ACTIONS**

5. Paragraphs "10" and "11" of the Complaint contain allegations to which no response is required. To the extent any response is required, Defendant denies each and every allegation contained therein and respectfully refers the Court to the complaint in the Espinoza Action for a complete recitation of its terms.

**REQUEST FOR DECLARATORY JUDGMENT UPHOLDING DISCLAIMERS**

6. Defendant repeats and realleges each and every allegation contained in paragraphs "1" through "5" above as though more fully set forth herein.

7. Defendant denies upon lack of knowledge sufficient to form a belief as to each and every allegation contained in paragraphs "12", "13", "14", "15", "16", "17", "18", "19", "20", "21", "22", "23", and "24" of the Complaint.

**REQUEST FOR DECLARATORY JUDGMENT**

7. Defendant repeats and realleges each and every allegation contained in paragraphs "1" through "7" above as though more fully set forth herein.

7. Defendant denies each and every allegation contained in paragraphs "26", "27", "28", "29", "30", "31", "32", "33", "34", "35", "36", "37", "38", "39", and "40" of the Complaint.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

8. Plaintiff fails to state a claim for which relief can be granted against Defendant.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

9. Plaintiff's Complaint is fatally defective pursuant to Fed. R. Civ. P. 19(a) for failure to join a necessary party, A.S.K. Electrical Contracting Corp., a named additional insured on the insurance policy held by Defendant KALINTEC Construction Corp. at issue herein.

WHEREFORE, Defendant DAVS Partners, LLC demands judgment as follows:

- (a) dismissing Plaintiff's Complaint in its entirety, together with the costs and disbursements of this action;
- (b) for such other, further and different relief as may seem just, proper and equitable to this Court.

Dated: May 12, 2022  
Garden City, NY

RICHMAN & LEVINE, P.C.

By: /s/ Keith H. Richman  
Keith H. Richman (KHR1293)  
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